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MAILPaper No. **32****NOV 05 2001****DIRECTOR OFFICE
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In re Application of
David T. Hoge et al.
Application No. 08/337,450
Filed: January 24, 1995
For: HELICAL SCAN TRANSPORT
FOR SINGLE REEL TAPE CARTRIDGE

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition, filed July 3, 2001, and supplemental petition, received on October 18, 2001, to withdraw the holding of abandonment of the above-identified application.

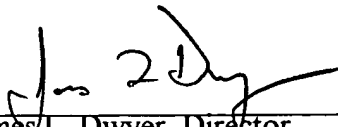
This application was held abandoned for failure timely pay required issue fee due within three months from the mail date of October 17, 2000, of the Notice of Allowance and Issue Fee Due. A Notice of Abandonment was mailed June 7, 2001.

Petitioner asserts that the Notice of Allowance And Issue Fee Due dated October 17, 2000 was not received. A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c).

The petition complies with the above stated requirements.

The petition is GRANTED.

The application file is being forwarded to the Group technical support staff for remailing of the Notice of Allowance And Issue Fee Due. The three-month Statutory period for paying the issue fee set in the Notice Of Allowance And Issue Fee Due will be reset to expire three months from the date the Notice of Allowance And Issue Fee Due is remailed. The formal drawings were timely received in response to the Notice of Allowability mailed December 8, 2000.


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